



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Charles M. Milliren et al.
Serial No.: 10/672,247
Filed: September 26, 2003
Title: PROTECTIVE FOAM WITH SKIN
Docket No.: 34563US1

PETITION UNDER 37 CFR § 1.47(a)

MAIL STOP MISSING PARTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This communication is in response to the Notice to File Missing parts mailed December 29, 2003.

In response to the Notice to File Missing Parts, Applicants hereby petition the Commissioner to accept the accompanying Declaration and Power of Attorney forms executed by four of the five joint inventors, Charles M. Milliren, Hayden L. Leon, III, Randy Bryan Collins and R. Craig Virnelson, on behalf of themselves and of the fifth joint inventor, Jason R. Brand.

The Declaration of Steven J. Solomon, attached hereto as Exhibit A, provides proof of the pertinent facts concerning the refusal of Mr. Brand to join in the present application for

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: MAIL STOP MISSING PARTS, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

01/13/2004 SDENB0B1 00000024 10672247

02 FC:1460

130.00 OP

Steven J. Solomon

Name of Agent for Applicant

01/06/04

Date

Signature of Agent

patent.

The name and address of the inventor refusing to join in this application are as follows:

Jason R. Brand
2157 Stumpville Road
Jefferson, Ohio 44047

Mr. Brand was a joint inventor of the subject matter of the above-identified application during his employment with Team Wendy, LLC. Mr. Brand's employment with Team Wendy has since ended, and he has refused to sign a declaration with regard to the application.

Enclosed is a check for \$195 to cover the \$65 late-declaration surcharge and the \$130 petition fee under Rules 1.47(a) and 1.17(h).

If there are any other fees required by this communication, please charge any such fees to our Deposit Account No. 16-0820, Order No. 34563US1.

Respectfully submitted,

PEARNE & GORDON LLP

By: 

Steven J. Solomon, Reg. No. 48719

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Date: January 6, 2004